

644/1645

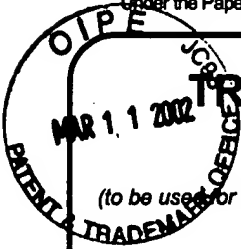
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PTO/SB/21 (08-00)

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TRANSMITTAL FORM

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Applicati n Number	09/754,947
Filing Date	January 4, 2001
First Named Inventor	Lee, Bruce A.
Group Art Unit	1645
Examiner Name	P. Baskar
Attorney Docket Number	014907-003310US

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Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)
and Accompanying Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below):

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Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
and
Individual name

Townsend and Townsend and Crew LLP

Matthew E. Hinsch

Reg. No. 47,651

Signature

Date

January 25, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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On January 25, 2002

TOWNSEND and TOWNSEND and CREW LLP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LEE et al.

Application No.: 09/754,947

Filed: January 4, 2001

For: ASSAYS FOR DETECTION OF
BACILLUS ANTHRACIS

Examiner: P. Baskar

Art Unit: 1645

RESPONSE TO RESTRICTION
REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants submit this Response with reference to the Office Communication mailed December 28, 2001. Applicants hereby elect with traverse the claims of Group I (claims 1-30).

REMARKS

Restriction of claims in a patent application is discretionary. A restriction requirement is made to avoid placing an undue examination burden on the Examiner and the Patent Office. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, MPEP § 803. In



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LEE et al.

Application No.: 09/754,947

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establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that examination of the claims in Groups I-II in the present application would not create an undue burden.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Matthew E. Hinsch

Reg. No. 47,651

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